

SEP 23 2004


Docket No. 1759.066
U.S. Serial No. 10/035,018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: DiSerio Confirmation No.: 9212
Serial No.: 10/035,018 Group Art Unit: 3725
Filed: December 27, 2001 Examiner: Lowell A. Larson
Title: METHOD FOR MANUFACTURING MOULDED THEN FORGED PARTS
COMPRISING ONE OR MORE RECESSES AND THE IMPLEMENTATION
INSTALLATION THEREOF

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being transmitted by facsimile on
September 23, 2004 to Commissioner for Patents, P.O. Box 1450, Alexandria,
Virginia 22313-1450, at Facsimile No. (703) 872-9306, Attn: Examiner Lowell A.
Larson, Group Art Unit 3725.


Victor A. Cardona, Esq.
Registration No. 44,589
Attorney for Applicant

To: Mail Stop Amendment
Commissioner of Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313

FAX NO.: 1-703-872-9306
NO. OF PAGES: 4

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Dear Sir:

This paper is filed in response to the Notice of Non-Compliant Amendment under 37 CFR § 1.21, dated October 29, 2003, which was incorrectly addressed and mailed to 5 Washington Square, Albany, New York 12203 (a copy of which is attached hereto for the Examiner's convenience). Applicant has never received a copy of the Notice of Non-Compliant Amendment from the U.S. Patent and Trademark Office, and is only aware of the Notice of Non-Compliant Amendment as a result of a standard check on the above-identified application on the U.S. Patent and Trademark Office's Patent Application Information

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*Docket No. 1759.066
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Retrieval (PAIR) system.

The Notice of Non-Compliant Amendment indicates the Response to the May 15, 2003 Office Action, which was filed October 15, 2003 along with a petition for a two-month extension of time, did not provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Further, the Notice advises that if the claims are amended they should say so, i.e., "currently amended" or "previously presented"

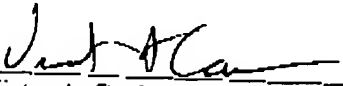
Claims 1 and 2 were listed in the October 15, 2003 Response with the status identified of "Original". Neither claim was amended in the response, and as such both claims indicated the proper status identifier. A courtesy copy of the October 15, 2003 Response is attached herewith for the Examiner's convenience.

Applicant also points out to the Examiner that the proper mailing address for the above-identified application is: HESLIN ROTHENBERG FARLEY & MESITI P.C., 5 COLUMBIA CIRCLE, ALBANY, NEW YORK 12203, Customer No. 23405. This is the only address that has been associated with this application since the filing date of December 27, 2001, and the Patent Office is respectfully requested to correct their records accordingly.

Continued examination based on the response filed on October 15, 2003, and withdrawal of the Notice of Non-Compliant Amendment is respectfully requested.

Dated: September 23 2004

Respectfully submitted,



Victor A. Cardona, Esq.
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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST INVENTOR	ART UNIT	EXAMINATION NO.
10/035,018	12/27/2001	Emile Di Serio	1759.066	9212

7590 10/29/2003
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GROUP 3700

EXAMINER
LARSON, LOWELL A

ART UNIT 3725 PAPER NUMBER 9

DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-900 (Rev. 10/03)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1480
ALEXANDRIA, VA 22313-1480
www.uspto.gov

Paper No. 9

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 10/14/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: If claims are amended they should say so, for instance, currently amended or previously presented

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/oplu/prenotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Telephone No.

Rev. 10/03